

MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 23, 2005

Administering the Oath of Office to Elected Officials--Councilmembers Ken Freese, Domingo Montalvo, Jr. and V. L. Wiley, Jr. City Attorney Paul Webb administered the Oath of Office to Elected Officials--Councilmembers Ken Freese, Domingo Montalvo, Jr. and V. L. Wiley, Jr.

Mayor Bryce D. Kocian declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. Councilmember V. L. Wiley, Jr. led the opening devotion and then Mayor Bryce D. Kocian led the pledge of allegiance.

Councilmembers present were: Mayor Bryce D. Kocian, Councilmembers V. L. Wiley, Jr., David Samuelson, Ken Freese, Don Mueller, Domingo Montalvo, Jr., and Ray Linseisen.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joyce Vasut, City Secretary Lisa Stavena, Assistant to City Manager Jackie Jansky, Community Services Director Jo Knezek, EMS Director John Kowalik, and City Attorney Paul Webb.

Visitors present were: Benjamin Sharp with Wharton Journal Spectator, Lewis Fortenberry, Karen Heintschel, Carlos Cotton, Louis Edwards, Elizabeth Montalvo, Barbara Morris, and Raymond Fisher.

The third item on the agenda was Roll Call and Excused Absences. No action was taken.

The fourth item on the agenda was Public Comments. No comments were given. No action was taken.

The fifth item discussed on the agenda was Wharton Moment. Mayor Bryce D. Kocian presented a proclamation proclaiming May 28, 2005 as "Buddy Poppies Day" on behalf of the V.F.W. Post 4474. No action was taken.

The sixth item discussed on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

A. Discussion: Acquisition of right-of-way from the Hawes Estate for the Ahldag Addition drainage outfall project.

B. Discussion: Wharton Economic Development Corporation request for the City of Wharton to pursue the acquisition of a tract of land from Union Pacific Railroad.

Mayor Bryce D. Kocian adjourned into Executive Session at 7:08 p.m.
Mayor Bryce D. Kocian returned to open session at 7:52 p.m.

The seventh item discussed on the agenda was Return to Open Session: Action on items discussed in Executive Session:

A. Review & Consider: Acquisition of right-of-way from the Hawes Estate for the Ahldag Addition drainage outfall project.

After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to allow the Hawes Estate a 30-day period, which would expire on June 22, 2005 at 5:00 p.m. before any action by the City to be taken in accordance with City Ordinance No. 2005-05. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

B. Review & Consider: Wharton Economic Development Corporation request for the City of Wharton to pursue the acquisition of a tract of land from Union Pacific Railroad.

After some discussion, Councilmember Ray Linseisen made a motion to approve the request from Wharton Economic Development Corporation for the City of Wharton to pursue the acquisition of a tract of land from Union Pacific Railroad. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider the City of Wharton Financial Report for the month of April 2005. Finance Director Joyce Vasut presented the financial report for the month of April 2005 and stated that the fiscal year was at 58%. Mrs. Vasut stated that the general fund revenues were at 73.31% and the expenditures were at 58.98%. She said the total ad valorem taxes collected were \$1,741,794 and the sales tax for the month of March 2005 was \$159,999 with \$106,666 to the City and \$53,333 to WEDCo. She further stated the TexPool balance for March was \$2,880,803.64 with an average monthly yield of 2.7591%. She stated that the bank balance was \$502,851.01 with an average monthly yield of 2.02%. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton Financial Report for the month of April 2005. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider Appointments to the Wharton Economic Development Corporation Board of Directors. City Manager Andres Garza, Jr. presented a copy of his memorandum dated April 5, 2005 regarding the Wharton Economic Development Board of Directors and a spreadsheet of the Directors terms. He then presented a copy of the letter dated May 11, 2005 from WEDC Executive Director David Schroeder requesting to place the appointment of the WEDC Board of Directors on the City Council agenda. He stated that the terms for the WEDC Board of Directors were two year terms that expire the 1st Tuesday of June. He said in accordance with the WEDC By-Laws, a Director of the Board could serve a maximum of three two-year terms. He stated that on June 1, 2005, the terms for Directors I.O. Coleman, Jr., Domingo Montalvo, Jr., and Michael Wootton would expire. He also stated Directors Coleman, Montalvo, and Wootton had served three two-year terms and could not be re-appointed. He stated that a recommendation must be made to fill the three vacant positions. Mayor Bryce D. Kocian recommended that Walter Garrett, Gary Nunez

and Councilmember David Samuelson be appointed. After some discussion, Councilmember V. L. Wiley, Jr. made a motion to appoint Walter Garrett, Gary Nunez and Councilmember David Samuelson to the Wharton Economic Development Corporation Board of Directors for a two-year term. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor. Mayor Bryce D. Kocian publicly thanked Councilmember Domingo Montalvo, Jr. for the years served on WEDC Board.

The tenth item discussed on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute an agreement with Gulf Coast Medical Center for ambulance transfer service. City Manager Andres Garza, Jr. stated that during the March 23, 2005 special City Council Finance Committee meeting, the Committee voted to authorize the City Staff an ambulance transfer agreement to Gulf Coast Medical Center (GCMC) for their consideration. He then presented a copy of the email dated May 18, 2005 from Chief Ex-Officer Mr. Donnie Frederick of GCMC approving the contract. He also presented a draft copy of the agreement and resolution authorizing the Mayor of the City of Wharton to execute said agreement. Finance Director Joyce Vasut stated that the contract expired in August 2004; however the service was currently being provided under the terms of the previous agreement whereby the City was being the primary source for transfers. She stated that GCMC had agreed to the new proposed contract. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-23, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-23**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE AN AGREEMENT WITH GULF COAST MEDICAL CENTER FOR EMERGENCY MEDICAL SERVICES.

WHEREAS, the City of Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an agreement with Gulf Coast Medical Services for Emergency Medical Services; and,

WHEREAS, the City of Wharton and Gulf Coast Medical Center hereby agrees to be bound by the conditions as set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute an agreement with Gulf Coast Medical Center for Emergency Medical Services.

Section II. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of May 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The eleventh item discussed on the agenda was to review and consider a resolution of the Wharton City Council ratifying the execution of the Electric Sales Agreement between the City of Wharton and Texas General Land Office (GLO) by City Manager Andres Garza, Jr. City Manager Andres Garza, Jr. stated that during the May 9, 2005 regular Wharton City Council meeting, the City Council authorized the execution of the electric sales agreement by the City Manager. He said the City of Wharton, as a member of the Governmental Aggregation Project (GAP), had requested bids for electrical service that were received Tuesday, May 10, 2005. He stated that the contract would be provided to the City on Wednesday, May 11, 2005 for execution. He stated that during the May 9, 2005 City Council meeting, the City Council approved himself as City Manager to execute the contracts. He then presented a copy of the contracts that were executed and submitted to the Texas General Land Office. He stated that if the transportation fee would rise, the City of Wharton would not be affected with the rate increase. Mayor Bryce D. Kocian questioned Appendix A with the listing of street lights other than the City of Wharton. Mr. Garza stated that the City Staff would verify the accounts listed. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-24**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING THE EXECUTION OF THE ELECTRIC SALES AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS GENERAL LAND OFFICE (GLO) BY CITY MANAGER ANDRES GARZA, JR.

WHEREAS, the City of Wharton as a member of the Governmental Aggregation Project (GACP) requested bids for electric services on Tuesday, May 10, 2005; and

WHEREAS, on May 11, 2005, the City of Wharton received the recommended contract provided by the Texas General Land Office to provide electric service to the GAP; and

WHEREAS, the Wharton City Council authorized the City Manager to execute the recommended contract for electric service to be provided to the City of Wharton; and

WHEREAS, the Wharton City Council wishes to ratify the execution of the electric sales agreement signed by City Manager Andres Garza, Jr. with the Texas General Land Office (GLO).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the City Council of the City of Wharton hereby ratifies ratify the execution of the electric sales agreement signed by City Manager Andres Garza, Jr. with the Texas General Land Office (GLO).

Section II. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of May 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item discussed on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of a request for financial assistance from the Texas Department of Transportation for the Wharton Regional Airport – Airport Terminal Building Project; and authorizing the Mayor of the City of Wharton to execute all documents required by the State. City Manager Andres Garza, Jr. stated that during the regular May 9, 2005 Wharton City Council meeting, Wharton Regional Airport Board Chairman David Allen gave a presentation regarding the Airport Board’s proposed airport improvement projects. He said that part of the proposed improvements included the construction of a new terminal building. He said that the City Council approved the submission of a Letter of Interest (LOI) during the regular City Council meeting held February 14, 2005. He stated that the Texas Department of Transportation (TxDOT) had accepted the City’s LOI and in response issued a letter dated March 17, 2005 to Mayor Bryce D. Kocian. He stated that the letter indicated that TxDOT was targeting August 2005 for the Texas Transportation Commission approval of all FY 2006 projects and had requested the City to submit various forms to be executed by the City. He then presented a draft resolution regarding the City’s request for financial assistance to complete the terminal building project, designation of the sponsor’s authorized representative, certification of project funds and certification of airport property interests. He also presented a sample agreement that would be required by the City to execute once the request for financial assistance

was approved by the State. He said that the deadline to submit the required information to the TxDOT was June 20, 2005. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve

Resolution No. 2005-25, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-25**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A REQUEST FOR FINANCIAL ASSISTANCE FROM THE TEXAS DEPARTMENT TRANSPORTATION FOR THE WHARTON REGIONAL AIRPORT – AIRPORT TERMINAL BUILDING PROJECT; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS REQUIRED BY THE STATE.

WHEREAS, the City of Wharton intends to make certain improvements to the Wharton Regional Airport and currently has on site management, or will have on site management prior to construction, at the airport facility and aviation fuel available; and

WHEREAS, the project is described as the Wharton Regional Airport – Airport Terminal Building Project; and

WHEREAS, the City of Wharton hereby requests financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, the City of Wharton names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the Wharton City Council hereby directs Mayor Bryce D. Kocian to execute on behalf of the City of Wharton, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Wharton Regional Airport.

Section II. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of May 2005.

CITY OF WHARTON, TEXAS

By:

BRYCE D. KOCIAN

Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The thirteenth item discussed on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute a contract for Emergency Medical Service Medical Director Services. City Manager Andres Garza, Jr. stated that the City Staff received the requests for qualifications (RFQ's) on Monday, May 16, 2005, and only one RFQ was received from Dr. Larry Lipscomb. He said that Dr. Lipscomb included in his RFQ the required insurance certificates and also requested to receive \$1,250 per month compensation for his services. He stated that the requested compensation was the same amount that was currently paid by the City. He stated that on May 19, 2005, the City Council Public Safety Committee reviewed the RFQ and voted to recommend City Council approval to engage the services of Dr. Lipscomb as the City's EMS Medical Director. He said that the term of the agreement would end March 31, 2007. He then presented a copy of the draft agreement and a draft resolution authorizing the Mayor of the City of Wharton to execute the agreement. After some discussion, Councilmember Ray Linseisen made a motion to approve Resolution No. 2005-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2005-26**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING
THE MAYOR OF THE CITY OF WHARTON TO EXECUTE A
CONTRACT FOR EMERGENCY MEDICAL SERVICE MEDICAL
DIRECTOR SERVICES.**

WHEREAS, the City of Wharton received requests for qualifications on May 16, 2005 for the EMS Medical Director position; and

WHEREAS, the City of Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute on behalf of the City of Wharton an agreement with Dr. Larry Lipscomb, M.D., FAAFP for medical director services for the City of Wharton Emergency Medical Services (EMS) program; and

WHEREAS, the City of Wharton and Dr. Larry Lipscomb, M.D., FAAFP wish to be bound by the conditions as set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute on behalf of the City of Wharton an agreement with Dr.

Larry Lipscomb, M.D., FAAFP for medical director services for the City of Wharton Emergency Medical Services (EMS) program.

Section II. That the City of Wharton and Dr. Larry Lipscomb, M.D., FAAFP are hereby bound by the conditions as set forth in the agreement.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of May 2005.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA

City Secretary

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was to review and consider the Wharton County Appraisal District 2006 Proposed General Fund Budget. City Manager Andres Garza, Jr. presented a copy of the Wharton County Appraisal District 2006 Proposed General Fund Budget and a copy of an email to Chief Appraiser Larry Holub requesting that he attend the meeting in order to answer any questions. Mayor Bryce D. Kocian stated that there was a \$30,000 increase for professional engineer contracts and a merit increase. After some discussion, Councilmember Ken Freese made a motion to approve the Wharton County Appraisal District 2006 Proposed General Fund Budget. Councilmember David Samuelson seconded the motion. All voted in favor.

The fifteenth item discussed on the agenda was to review and consider a request by Ms. Rosa San Miquel for Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks. City Manager Andres Garza, Jr. presented a copy of the Wharton Park Facilities Reservation Agreement and a copy of the City of Wharton Application for Temporary Permit for Possession / Consumption of Alcoholic Beverages in Certain Parks submitted by Ms. Rosa San Miquel. He said that the information was submitted to Police Chief Tim Guin on May 9, 2005 for review. He then presented a copy of the memorandum dated May 19, 2005 from Chief Guin indicating that pursuant to his review, the application appeared to comply with the City of Wharton Ordinance No. 2002-22. After some discussion, Councilmember David Samuelson made a motion to approve the request by Ms. Rosa San Miquel for Temporary Permit for Possession/Consumption of Alcoholic Beverages in City Parks. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider an Update on the Home Elevation Project. City Manager Andres Garza, Jr. stated that on Wednesday, May 11, 2005, the City Staff and himself met with Mr. and Mrs. Eddie Brinkley, Sr. and Ms. Margorie Owens to discuss the required contracts for the Home Elevation Project. He stated that during the meeting, the property owners executed the Voluntary Transaction Agreement and the Right of Entry Agreements to conduct the environmental assessments on the properties. He also said, on May 11th, Unovate Environmental Services executed the environmental assessment right of entry agreements and the required contract with the City to conduct the environmental assessments. He stated that after the appropriate contracts were finalized, the assessments were scheduled and conducted on Monday, May 16, 2005. He said the City Staff was awaiting the survey results. He said once the results had been reviewed and if determined that abatement was required, preparations to begin inviting bids for an abatement contractor would be made. He stated that currently, the City Staff, Martha Juch, P.E, and Attorney Dick O'Neil was working with Mr. Kevin Keating, President of Village Foundation Repair in finalizing the elevation construction agreement. He said the agreement would be ready the week of May 23rd for execution by the contractor. He said the bids were due for the 6th time on the property located at 1607 Columbine on Friday, May 20, 2005 at 10:00 a.m. He told the City Council that no bids were received. He said that contact had been made with various contractors regarding their interest in bidding this home; however, there had not been a positive response. He stated that during the May 9th City Council meeting, he had advised the property owner that if no bids were received, then the City would not be obligated to elevate the home. He stated that he would be scheduling a meeting with the property owner to discuss the properties position in the Home Elevation Program. He stated that the project was scheduled for completion on August 31, 2005. He stated that letters were submitted to Governor's Division of Emergency Management and Office of Rural Community Affairs regarding the reimbursement costs for engineering, construction, asbestos, lead paint and environmental purposes. After some discussion, no action was taken.

The seventeenth item discussed on the agenda was to review and consider Uticon, Ltd. Pay Request No. 4 for City of Wharton Waterline and Sanitary Sewer Replacement Project. City Manager Andres Garza, Jr. presented Uticon, Ltd. Pay Request No. 4 for the City of Wharton Waterline and Sanitary Sewer Replacement project. Mr. Carlos Cotton, P.E. addressed the City Council and stated that the project was completed and a final inspection would be conducted. Councilmember Domingo Montalvo, Jr. stated that he had received complaints on Grayson Street. After some discussion, Councilmember Don Mueller made a motion to approve Uticon, Ltd. Pay Request No. 4 for City of Wharton Waterline and Sanitary Sewer Replacement Project in the amount of \$38,932.74. Councilmember David Samuelson seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider City of Wharton Status Report on Projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 20, 2005 providing an update on the City of Wharton projects, which stated the following:

FLOOD PLAIN MANAGEMENT

- A. Wharton Interim Feasibility Study. This project was on going. The Corps of Engineers report should be completed with the first phase of this project by June 2006. However,

preparations had begun on the second phase, which was the pre-construction engineering and design. Also, by mid-summer of 2005, the City Council would need to make decisions on the final alternatives for the project.

- B. FEMA-Flood Maps.** In early March 2005, the City Staff received the proposed new flood maps. The City would have 30 days to review the streets and sub-divisions shown within the mapping areas to determine if the locations were correct. After the 30-day comment period, the City would receive a letter from FEMA that would begin a 90-day public comment period. The City Council Public Works Committee would be meeting to discuss the mapping and the public input process.

DRAINAGE:

1. Sanitary Sewer Manhole Survey.

Jones & Carter, Inc. had completed the manhole report and would be submitting it to the City.

2. Ahldag Ditch Design.

The City Staff was continuing its efforts in working with the property owners to secure the needed property to complete this project.

3. Santa Fe Outfall Ditch.

Jones & Carter, Inc. had received the cost estimate from Houston PipeLine Company and were finalizing the preliminary engineering report.

4. Crestmont / Kelving Way Drainage.

Jones & Carter, Inc. had completed their analysis of the capacities of the existing storm sewer system and at what points it was overloaded. They were currently reviewing the options to re-route some of the run-off to the ditch running from the end of Hodges Lane to Caney Creek.

5. Nan Ya Drainage Ditch.

The City Staff was working with Nan Ya Plastics and J&M Manufacturing on the alignment of the ditch to the necessary improvements the companies need to make in order to provide adequate access to their properties.

WATER/SEWER IMPROVEMENTS:

1. Richmond Road Sanitary Sewer Rehabilitation.

RePipe-Texas, Inc. had completed the construction phase of this project.

2. Richmond Road to Fulton Sewer Line Replacement.

The project had been completed.

3. Waterline Replacement Project.

Uticon, Inc. had completed this project.

4. Murphy Road Sanitary Sewer Improvements.

Jones & Carter, Inc. had completed the design drawings. Bids would be received on June 9th.

5. Downtown Square Fire Hydrants.

Jones & Carter, Inc. had included the replacement of the four fire hydrants and the repair of the valve in front of the post office in the Murphy Road Sanitary Project, which would bid June 9th.

6. Tee Pee Courts.

Jones & Carter, Inc. had prepared the preliminary cost estimates for the sanitary and water service for this proposed project. No additional work had been requested from Jones & Carter at this time.

7. FM 3012 Proposed Subdivision – Jonathan Kulak.

Jones & Carter, Inc. had prepared the preliminary cost estimates for the proposed subdivision. The City Council approved to enter into a residential reimbursement incentive agreement with Mr. Kulak during the May 9th City Council meeting. We had notified Mr. Kulak that the City Council approved the project. The City Staff was waiting on a response from the developer in order to work on the development of the agreement.

8. Water Plant Tank Inspections.

Jones & Carter, Inc. was coordinating with the City's Public Works Department to take the tanks off line for inspection. One tank had been inspected and the others were scheduled for the upcoming month.

STREET IMPROVEMENTS

1. U.S. 59/FM 102 Intersection Upgrade.

On Wednesday, May 4, 2005, Mr. Carlos Cotton, P.E., Public Works Director Phil Bush and Andres Garza, Jr. met with Mr. Lonnie Gregocyk, Mark Wooldridge and Mr. Paul Ferrech of the Texas Department of Transportation regarding this project. The State had provided the City with a proposed agreement, which was being reviewed by the City Staff. TxDOT was ready to move forward with the project. We had met with the City Council Public Works Committee who were reviewing the agreement.

2. 2005 Street Improvement Program.

The Public Works Department was preparing a list of streets to be included in the 2005 street improvement program.

WHARTON REGIONAL AIRPORT – 2005 RAMP PROGRAM

The City had received a contract amendment from the State to include the paving and entrance sign costs in the 2005 RAMP program. Faltisek Paving, Inc. had completed the paving and Mr. Larry Sitka had replaced the entrance sign. There were remaining funds under the 2005 RAMP program. The Airport Board was working with Andres Garza, Jr. to utilize these funds for additional airport improvements.

NON-PRIMARY ENTITLEMENT (NPE) FUNDS

The City submitted a letter to the Texas Department of Transportation – Aviation Division requesting additional time to determine projects that could be funded by this program. The City was informed that the 2003 funds must be used by September 2006; however, the projects to be completed should be submitted as soon as possible. Chairman David Allen gave a presentation regarding proposed airport improvements that could be conducted under this grant. The City Council approved the City Staff to move forward with the improvement plan. A letter notifying the Texas Department of Transportation Aviation Division was submitted on May 12, 2002.

AIRPORT TERMINAL PROJECT

During the regular May 9, 2005 Wharton City Council meeting, Wharton Regional Airport Board Chairman David Allen gave a presentation regarding the Airport Board’s proposed airport improvement projects. Part of the proposed improvements included the construction of a new terminal building. The Texas Department of Transportation (TxDOT) had accepted the City’s LOI and in response issued a letter dated March 17, 2005 to Mayor Bryce D. Kocian. In the letter, the TxDOT indicated that they were targeting August 2005 for the Texas Transportation Commission approval for all FY 2006 projects and had requested the City to submit various forms to be executed by the City.

AIRPORT DEVELOPMENT PLAN

O’Malley Engineers was working with the Airport Board in looking at different layouts for the airport development plan. This project was ongoing.

HOME PROJECTS

1. 2004 HOME Program.

The City Staff had received notification that the City was approved for this grant which would enable the City to build 7 new low to moderate income homes. The City Staff was waiting on the contracts to be submitted for execution. This was a special needs grant.

2. 2003 HOME Program.

The City Staff was currently accepting applications now and should complete the application process. Once this process had been completed, the City Staff would advertise, submit the information to the State for approval. The nine applicants had been identified and their names have been submitted to the State for approval. The State had 21 days to review the applicants. The City Staff anticipates beginning to build homes the first of June 2005.

3. Home Elevation Project.

On Wednesday, May 11, 2005, the City Staff and himself met with Mr. and Mrs. Eddie Brinkley, Sr. and Ms. Margorie Owens to discuss the required contracts for the Home Elevation Project. During the meeting, the property owners executed the Voluntary Transaction Agreement and the Right of Entry Agreements to conduct the environmental assessments on the properties. Also, on May 11th, Unovate Environmental Services executed the environmental assessment right of entry agreements and the required contract with the City to conduct the environmental assessments.

After the appropriate contracts were finalized, the assessments were scheduled and conducted on Monday, May 16, 2005. The City Staff was awaiting the survey results. Once the results had been reviewed and if determined that abatement was required, preparations to begin inviting bids for an abatement contractor would be made.

Currently, the City Staff, Martha Juch, P.E, and Attorney Dick O'Neil was working with Mr. Kevin Keating, President of Village Foundation Repair in finalizing the elevation construction agreement. The agreement would be ready the week of May 23rd for execution by the contractor.

Bids were due for the 6th time on the property located at 1607 Columbine on Friday, May 20, 2005 at 10:00 a.m. The City Staff did not receive bids. Contact had been made with various contractors regarding their interest in bidding this home; however; there had not been a positive response. During the May 9th City Council meeting, Andres Garza, Jr. had advised the property owner that if no bids were received, then the City would not be obligated to elevate the home. He would be scheduling a meeting with the property owner to discuss the properties position in the Home Elevation Program.

OTHER PROJECTS:

1. Tropical Storm Fay – Buy-Out Project:

The City had purchased the property from Mr. and Mrs. Edward Guarjardo. The environmental assessments had been conducted on the structure and asbestos was detected. The invitation to bid on the abatement of the asbestos had been published in the Wharton Journal Spectator. Bids were due on June 6, 2005. Once the abatement had been completed, demolition of the structure would begin.

Mr. Lowe Freitag had been notified that the City Council's decision regarding Mr. Freitag's request. The City Staff had received a telephone call from Mr. Lowe Freitag, Jr. who indicated

that Mr. Lowe Freitag, Sr. is considering withdrawing from the program. The City Staff was awaiting a formal letter from Mr. Freitag.

2. Santa Fe Trail Park Project.

The City Public Works Department had completed the asphalt for the trail. Also, plans were being prepared for the construction of the water fountain using a consultant. This project was ongoing.

3. Southern Pacific Railroad Depot Restoration Project.

The City Staff received bids for the construction phase of this project. Three bidders responded and Stern and Bucek Architects were reviewing the bids.

Councilmember Ray Linseisen asked about the Murphy Road Sanitary Sewer Improvements that would include W. Milam Street. Mr. Carlos Cotton addressed the City Council and stated that the City would receive bids on June 9, 2005. He stated that four valves was located at that location and replacement of the valves would be during the hours of 11 p.m. to 6 a.m.

Mayor Bryce D. Kocian requested a status of the Municipal Pool Project. City Manager Garza stated that the project had been challenging with the installation of the liner on top of the gutters; however the project was currently on-going. After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider the Travel Reimbursement for City Manager. City Manager Andres Garza, Jr. presented a copy of the travel reimbursement request. After some discussion, Councilmember David Samuelson made a motion to approve the Travel Reimbursement for City Manager for the period April 26, 2005 to May 17, 2005 in the amount of \$346.68. Councilmember Domingo Montalvo, Jr. seconded the motion. All voted in favor.

The twentieth item on the agenda was the City Council Committees, Boards and Commission's Reports:

- A. Beautification Commission meeting held April 13, 2005.
- B. Youth Advisory Commission meeting held May 18, 2005.
- C. Mayor's Local Committee on People with Disabilities meeting held May 19, 2005.
- D. City Council Public Safety Committee meeting held May 19, 2005.
- E. City Council Public Works Committee meeting held May 19, 2005.
- F. Building Standards Committee meeting held May 19, 2005.

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twenty-first item on the agenda was to review and consider the City Manager's Reports:

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| A. Police Department. | I. Engineer/Planning Department. |
| B. City Secretary/Personnel. | J. Facilities Maintenance Department. |
| C. Municipal Court. | K. Community Services Department/
Civic Center. |
| D. E.M.S. Department. | L. Wharton Municipal Pool. |
| E. Fire Department Incidents/Inspections. | |

City of Wharton
Regular City Council Meeting
May 23, 2005

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| F. Code Enforcement Department. | M. Wharton Regional Airport. |
| G. Water & Sewer Department. | N. Legal. |
| H. Public Works Department. | O. Weedy Lots/Sign Ordinance. |

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The twenty-second item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 8:28 p.m.

CITY OF WHARTON, TEXAS

By: _____
BRYCE D. KOCIAN
Mayor

ATTEST:

LISA STAVENA
City Secretary